

Date of Hearing: August 3, 2016

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
SB 986 (Hill) – As Amended June 20, 2016

Policy Committee: Transportation Vote: 15 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill reduces, from \$100 to \$35, the base fine for turning right on a red light (rolling right turn), or turning left from a one-way street onto another one-way street, without coming to a complete stop.

FISCAL EFFECT:

Significant loss of state and local penalty assessment-related revenues for those portions of the total fine that are a function of the base fine (see Background below). Reducing the base fine for failure to stop before turning right on a red light, or turning left from a one-way street onto another one-way street, would result in the following reductions (totaling \$252) in fine and fee revenues for each conviction:

- 1) Base Fine: \$65, to counties and cities.
- 2) State Penalty Assessment: \$60, to State Penalty Fund, distributed to nine other special funds, and county General Fund.
- 3) County Penalty Assessment: \$42 per conviction, to various special funds.
- 4) Court Construction Penalty Assessment: \$30, to various special funds supporting court facilities.
- 5) Proposition 69 DNA Penalty Assessment: \$6, primarily to state or local DNA Identification Fund.
- 6) DNA Identification Fund Penalty Assessment: \$24 per conviction, primarily to state DNA Identification Fund.
- 7) Emergency Medical Services Penalty Assessment: \$12 primarily to Maddy EMS Fund.
- 8) State Surcharge: \$13 to state General Fund.

The DMV received reports of over 300,000 red light violations for assessment of a violation point in recent years (356,000 in 2015 and 305,000 in 2014). The proportion of these violations involving a driver turning right on a red light is unknown, but if it was only 10%, the total revenue loss would be around \$7.5 million, distributed among numerous funds, as described above.

COMMENTS:

- 1) **Purpose.** According to the author, this bill is intended to correct a drafting error in AB 1191 (Shelley), Chapter 852, Statutes of 1997, which increased the base fine for red light violations from \$35 to \$100. The author asserts that AB 1191 was intended to only target

drivers for going straight through intersections or making left-turns against a red light, which are the most dangerous violations at intersections and can result in catastrophic right angle collisions. AB 1191 raised the fine for these violations to more accurately reflect their seriousness and the potential for catastrophic accidents. The author notes, however, that AB 1191 also raised the fine for failing to make a complete stop on a right turn on a red light, a violation that is far less serious and, the author argues, does not warrant the increased fine of a running straight through the intersection, particularly given that these citations, with fines and penalties applied, currently have a total cost of \$541.

This bill reduces the base fine for rolling right turn violations to \$35, ultimately resulting in a total fine of \$289. The author indicates that lowering the fine for these violations would make the monetary penalty commensurate with similar types of relatively less serious violations, such as failing to yield the right-of-way in a crosswalk and unsafe turns or lane changes.

- 2) **Background.** In addition to base fines for traffic violations, numerous additional penalty assessments, fees, and surcharges are imposed for convictions of these infractions. Current law specifies a complex process for the distribution of fine and fee revenues to numerous state and local funds. Some of these add-on fines and fees were enacted to fund specific activities, such as emergency medical services or DNA-related activities, while others support general court operations, court facilities construction, or state and local general funds.

The following assessments and fees are a flat charge per conviction, and thus would not be impacted by this bill: \$4 Emergency Medical Air Transportation Penalty Assessment; \$40 Court Operations Assessment; A \$35 Conviction Assessment Fee; and \$52 for Traffic Violator Schools. The following charges, however, are dependent upon amount of the base fine:

- a) State Penalty Assessment: \$10 for every \$10 of a base fine.
 - b) County Penalty Assessment: \$7 for every \$10 of a base fine.
 - c) Court Construction Penalty Assessment: \$5 for every \$10 of a base fine.
 - d) Proposition 69 DNA Penalty Assessment: \$1 for every \$10 of a base fine.
 - e) DNA Identification Fund Penalty Assessment: \$4 for every \$10 of a base fine.
 - f) Emergency Medical Services Penalty Assessment: \$2 for every \$10 of a base fine.
 - g) State Surcharge: 20% of a base fine.
- 3) **Opposition.** The San Francisco Municipal Transportation Agency (SFMTA) writes that reducing the fine for rolling right turn violations would send the message to the public regarding the seriousness of these offenses. SFMTA indicates that, between 2008 and 2014, 319 injury collisions occurred annually from drivers running red lights, with an average of 14 collisions involving right turns. (It should be noted that the fine for the violations specified in this bill will remain at a much higher amount, pursuant to current law, when the violation results in bodily injury to anyone other than the driver. The base fine in such instances is \$220 for the first infraction, yielding a total cost of \$1,033.) A coalition of 18 pedestrian and bicycling advocacy groups express concerns similar to SFMTA.

- 4) **Related Legislation.** SB 881 (Hertzberg), also on today's committee agenda, ends the practice of suspending an individual's driver's license for failing to appear in court or failing to pay a traffic fine for certain violations.
- 5) **Prior Legislation.** In 2010, AB 909 (Hill), an almost identical bill, was vetoed by Governor Schwarzenegger over his concerns that it would send the wrong message regarding the state's tolerance for these types of offenses. AB 681 (Hill), another identical bill, was held on Suspense in Senate Appropriations in January.

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